

**DETAILED ACTION**

1. Claims 1-6 and 14-17 are pending.

***Response to Arguments***

2. The applicant's entered amendments have alleviated the objection directed at the specification and the 35 U.S.C. 112 first and second paragraph rejections directed at claims 1-6 and 14-17.
3. Further, the Applicant's arguments, see Remarks, filed July 30, 2008, with respect to 35 U.S.C. 103(a) rejections of claims 1-6 and 14-17 have been fully considered and are persuasive. Those rejections have been withdrawn.

**EXAMINER'S AMENDMENT**

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
5. Authorization for this examiner's amendment was given in a telephone interview with Anthony Jones on October 17, 2008. The amendment simply removes intended use limitations in the claims. For example, claim 1 previously recited, "whereby communication from the first node to the second node is enabled along

the selected path," and now recites, "and enabling communication from the first node to the second node along the selected path."

The application, specifically claims 1, 4, 5, 6, and 14, has been amended as follows:

**Claim 1:** Replace lines 18-21 with:

selecting the identified path as the current routing path for routing the network traffic from the first node to the second node, and enabling communication from the first node to the second node along the selected path.

**Claim 4:** Replace lines 19-22 with:

selecting the identified path as the current routing path for routing the network traffic from the first node to the second node, and enabling communication from the first node to the second node along the selected path.

**Claim 5:** Replace lines 20-24 with:

for each of the multiple identifiers of the second node, selecting as the current routing path from the first node to the second node from said set of paths, the path having the least path weight, and enabling communication from the first node to the second node along the selected path.

**Claim 6:** Replace lines 21-26 with:

for each of the multiple identifiers of the second node, selecting as the current routing path from the first node to the second node from said set of paths, the path having the least path weight, and enabling communication from the first node to the second node along the selected path.

**Claim 14:** Replace lines 24-27 with:

selecting as the current routing path from the first node to the second node identified by the second identifier, the path having the least path weight, and enabling communication from the first node to the second node along the selected path.

***Allowable Subject Matter***

6. Claims 1-6 and 14-17 are allowed.
7. The following is an examiner's statement of reasons for allowance: The prior art fails to disclose or suggest all limitations of the claimed invention with particular emphasis on calculating the weights from which the optimal path weight is determined. Specifically, for each fault zone in a set of fault zones, the claimed invention assigns as a zone weight, the number of paths from the first network node to the second network node that include said fault zone, wherein the zone weight at each fault zone is equal to the number of routing paths that traverse

that fault zone, and calculating a path weight for an identified path, wherein said path weight is equal to the sums of said zone weights for each fault zone included in the identified path.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.
10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. J. D./  
Examiner, Art Unit 2452

/Kenny S Lin/  
Primary Examiner, Art Unit 2452